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9 **UNITED STATES BANKRUPTCY COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 In re
13 PG&E CORPORATION,
14
15 and
16 PACIFIC GAS AND ELECTRIC
COMPANY,
17 Debtors and Debtors-in-
Possession.

18 Affects:

- 19 ☐ PG&E Corporation
20 ☐ Pacific Gas and Electric Company
21 ☒ Both Debtors
22

23 *All papers shall be filed in the Lead Case No.
24 19-30088 DM
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Case No. 19-30088 DM (Lead Case)

(Jointly Administered with Case No. 19-30089
DM)

Chapter 11

**NOTICE OF CONTINUED PERFECTION
OF MECHANIC'S LIEN PURSUANT TO
11 U.S.C. § 546(b)(2)**

[Fresno County Doc. No. 2019-0013676]

1 Lyles Utility Construction, LLC ("Lyles"), by and through its undersigned counsel, hereby
2 gives notice of continued perfection of its mechanic's lien under 11 U.S.C. § 546(b)(2), as follows:

3 1. Lyles is a company that has provided and delivered labor, services, equipment, and
4 materials for the construction and improvement of projects on real property located in the County
5 of Fresno, State of California ("Property") and owned by PG&E Corporation and/or Pacific Gas and
6 Electric Company (collectively, "Debtors").

7 2. Through January 29, 2019 ("Petition Date"), the amount owing to Lyles is at least
8 \$169,484.42, exclusive of accruing interest and other charges, with additional amounts owed and
9 accrued after the Petition Date.

10 3. On February 11, 2019, Lyles properly perfected its mechanics lien under California
11 Civil Code §§ 8400, et seq. by timely recording its Mechanics Lien (Claim of Lien) in the Official
12 Records of Fresno County, State of California, as more fully described in its Mechanics Lien, a true
13 copy of which is attached hereto as **Exhibit 1**.

14 4. Pursuant to California Civil Code § 8460, an action to enforce a lien must be
15 commenced within 90 days after recordation of the claim of lien. However, due to the automatic
16 stay set forth in 11 U.S.C. § 362, Lyles is precluded from filing a state court action to enforce its
17 mechanics lien. Bankruptcy Code section 546(b)(2) provides that when applicable law requires
18 seizure of property or commencement of an action to perfect, maintain, or continue the perfection
19 of an interest in property, and the property has not been seized or an action has not been commenced
20 before the bankruptcy petition date, then the claimant shall instead give notice within the time fixed
21 by law for seizing the property or commencing an action. 11 U.S.C. § 546(b)(2); *In re Baldwin*
22 *Builders (Village Nurseries v. Gould)*, 232 B.R. 406, 410-11 (B.A.P. 9th Cir. 1999); *Village*
23 *Nurseries v. Greenbaum*, 101 Cal. App. 4th 26, 41 (2002).

24 5. Accordingly, Lyles hereby provides notice of its rights as a perfected lienholder in
25 the Property pursuant to California's mechanics lien law. Lyles is filing and serving this notice to
26 preserve, perfect, maintain, and continue the perfection of its lien and its rights in the Property to
27 comply with the requirements of California state law, 11 U.S.C. §§ 362(a), 362(b)(3), and 546(b)(2),
28 and any other applicable law. This notice constitutes the legal equivalent of having recorded a

1 mechanics lien in the recorder's office for the county where the Property is located and then having
2 commenced an action to foreclose the lien in the proper court. By this notice, the Debtors and other
3 parties in interest are estopped from claiming that the lawsuit to enforce Lyles's mechanics lien was
4 not timely commenced pursuant to applicable state law. Lyles intends to enforce its lien rights to
5 the fullest extent permitted by applicable law. The interests perfected, maintained, or continued by
6 11 U.S.C § 546(b)(2) extend in and to the proceeds, products, offspring, rents, or profits of the
7 Property.

8 6. The filing of this notice shall not be construed as an admission that such filing is
9 required under the Bankruptcy Code, California mechanics lien laws, or any other applicable law.
10 In addition, Lyles does not make any admission of fact or law, and Lyles asserts that its lien is senior
11 to and effective against entities that may have acquired rights or interests in the Property previously.

12 7. The filing of this notice shall not be deemed to be a waiver of Lyles's right to seek
13 relief from the automatic stay to foreclose its mechanics lien and/or a waiver of any other rights or
14 defenses.

15 8. Lyles reserves all rights, including the right to amend or supplement this notice.

16
17 DATED: March 8, 2019

FRANDZEL ROBINS BLOOM & CSATO, L.C.
MICHAEL J. GOMEZ
GERRICK M. WARRINGTON

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20 By: /s/ Michael J. Gomez

21 MICHAEL J. GOMEZ
22 Attorneys for Creditor
23 LYLES UTILITY CONSTRUCTION, LLC
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EXHIBIT 1

RECORDING REQUESTED BY
Lyles Utility Construction, LLC
WHEN RECORDED MAIL TO

Lyles Utility Construction, LLC
c/o John M. Cardot, Esq.
QUALL CARDOT LLP
205 E. RIVER PARK CIRCLE, SUITE 110
FRESNO, CA 93720

2019-0013676

FRESNO County Recorder
Paul Dictos, CPA

Monday, Feb 11, 2019 09:52:50 AM

CONFORMED COPY

Copy of document recorded.
Has not been compared with original.

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

Mechanics' Lien (Claim of Lien)

(To be recorded in the county recorder's office in the county in which the property is located.)

NOTICE IS HEREBY GIVEN: That Lyles Utility Construction, LLC as claimant claims a lien for labor, service, equipment, or materials under Section 8000 et Seq. of the Civil Code of the State of California, upon the premises hereinafter described, and upon every estate or interest in such structures, improvements and premises held by any party holding any estate therein.

Said labor, service, equipment or materials were furnished for the construction of those certain buildings, improvements, or structures, now upon that certain parcel of land situated in the County of Fresno State of California, said land described as follows:

STREET ADDRESS: 7019 S. West Ave., Fresno, CA 93706

LEGAL DESCRIPTION: The East 210 feet of the North 210 feet of the Northeast quarter of the Northeast quarter of Section 18, Township 15 South, Range 20 East, M.D.B. & M., according to the Official Plat thereof

Said lien is claimed for the following labor, services, equipment or materials: (describe labor, services, equipment, or materials in detail) Installation of High Pressure Regulators, Steel Distribution Gas Main, Pipe and Valve.

Amount due after deducting all just credits and offsets... \$ 169,484.42

The name of the person or company by whom claimant was employed or to whom claimant furnished labor, services, equipment, or materials is: Pacific Gas and Electric Company

That Pacific Gas and Electric Company is/are the reputed owner(s) of said real property, including below ground high pressure regulators and piping thereto, or some interest therein.

DATED: February 7, 2019 Name of Claimant: Lyles Utility Construction, LLC

By:

(Firm Name)

(Signature)

Chief Executive Officer

(Authorized Capacity)

VERIFICATION

I, the undersigned, certify that I am the Chief Executive Officer of the claimant named in the foregoing Mechanics' Lien, and that I am informed and believe the facts herein to be true, and, on that ground, allege that the facts stated in the foregoing Mechanics' Lien are true.

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 7, 2019, in the City of Fresno, State of California

, Its Agent

**NOTICE OF MECHANICS LIEN CLAIM
ATTENTION!**

Upon the recording of the enclosed MECHANICS LIEN with the county recorder's office of the county where the property is located, your property is subject to the filing of a legal action seeking a court-ordered foreclosure sale of the real property on which the lien has been recorded. That legal action must be filed with the court no later than 90 days after the date the mechanics lien is recorded.

The party identified in the enclosed mechanics lien may have provided labor or materials for improvements to your property and may not have been paid for these items. You are receiving this notice because it is a required step in filing a mechanics lien foreclosure action against your property. The foreclosure action will seek to pay for unpaid labor, materials, or improvements provided to your property. This may affect your ability to borrow against, refinance, or sell the property until the mechanics lien is release.

BECAUSE THE LIEN AFFECTS YOUR PROPERTY, YOU MAY WISH TO SPEAK WITH YOUR CONTRACTOR IMMEDIATELY, OR CONTACT AN ATTORNEY, OR FOR MORE INFORMATION ON MECHANICS LIENS GO TO THE CONTRACTORS' STATE LICENSE BOARD WEB SITE AT www.cslb.ca.gov.

PROOF OF SERVICE AFFIDAVIT
California Civil Code section 8416

Failure to serve the Mechanic's Lien and Notice of Mechanic's Lien on the owner, or alternatively if the owner cannot be served on the lender or direct contractor, shall cause the Mechanic's Lien to be unenforceable as a matter of law (Civil Code Section 8024(d)). Service of the Mechanic's Lien and Notice of Mechanic's Lien must be by (1) registered mail, (2) certified mail, or (3) first-class mail evidenced by a certificate of mailing, postage prepaid, and to a residence or business address for the owner, lender or contractor. Further, a Proof of Service Affidavit (below) must be completed and signed by the person serving the Mechanic's Lien and Notice of Mechanic's Lien. This page should be completed (either one of the sections below) and recorded with the County Recorder along with the Mechanic's Lien and Notice of Mechanic's Lien.

PROOF OF SERVICE AFFIDAVIT (ON OWNER)
California Civil Code section 8416(a)(7) and (c)(1)

I, Sylvia Gomez (name), declare that I served a copy of this Mechanic's Lien and Notice of Mechanic's Lien by registered mail, certified mail, or first-class mail evidenced by a certificate of mailing, postage prepaid, addressed as follows to the owner(s) or reputed owner(s) of the property:

Company/Person Served: Pacific Gas and Electric Company

Title or capacity of person served (if appropriate): _____

Service address: P.O. Box 997300, Sacramento, CA 95899-7300

Said service address is the owner's residence, place of business, or address showed by the building permit on file with the permitting authority for the work.

Executed on February 7, 2019 (date) at Fresno (city), California (county), California.

By: 
(Signature of person making service)

ALTERNATE PROOF OF SERVICE AFFIDAVIT (ON LENDER OR DIRECT CONTRACTOR)

California Civil Code Section 8416(a)(7) and (c)(2)

I, _____ (name), declare that the owner or reputed owner cannot be served with a copy of this Mechanic's Lien and Notice of Mechanic's Lien by registered mail, certified mail, or first-class mail. Pursuant to California civil Code section 8416(c)(2), I served a copy of this Mechanic's Lien and Notice of Mechanic's Lien by registered mail, certified mail, or first-class mail evidenced by a certificate of mailing, postage prepaid, addressed as follows to the construction lender or direct contractor as follows:

Company/Person Served: _____

Title or capacity of person served (if appropriate): _____

Service address: _____

Executed on _____, 20____ (date) at _____ (city), _____ (county), California.

By: _____
(Signature of person making service)

CERTIFICATE OF SERVICE

I, the undersigned, declare and certify as follows:

I am over the age of eighteen years, not a party to the within action and employed in the County of Los Angeles, State of California. I am employed in the office of Frandzel Robins Bloom & Csato, L.C., members of the Bar of the above-entitled Court, and I made the service referred to below at their direction. My business address is 1000 Wilshire Boulevard, Nineteenth Floor, Los Angeles, CA 90017-2427.

On March 8, 2019, I served true and correct copy(ies) of the foregoing **NOTICE OF CONTINUED PERFECTION OF MECHANIC'S LIEN PURSUANT TO 11 U.S.C. § 546(b)(2)**, the original(s) of which is(are) affixed hereto. to the party(ies) on the attached service list.

SEE ATTACHED SERVICE LIST

☒ **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the State of and the United States of America that the foregoing is true and correct.

Executed on March 8, 2019, at Los Angeles, California.

/s/ Sandra Young-King

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